

House Judiciary Committee Amendment # 2

Amendment No. 2 to HB0333

**Buck
Signature of Sponsor**

AMEND Senate Bill No. 660

House Bill No. 333*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting SECTION 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 29-20-403 is amended by adding the following new subdivision to subsection (b):

(3) Minimum limits of not less than two hundred fifty thousand dollars (\$250,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than six hundred thousand dollars (\$600,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and seventy-five thousand dollars (\$75,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. Provided however, the limits established by this subsection shall expire and be repealed on June 30, 2007, and every five (5) years thereafter, at which time the limits established by this subdivision shall automatically increase by one-half (1/2) of the consumer price index (CPI) and one-half (1/2) of the medical cost index (MCI) as determined by the state treasurer. The increased limits established by the treasurer shall be implemented, unless the general assembly provides otherwise. The limits established by this subsection shall apply to any action arising on or after July 1, 2002.

SECTION 3. Tennessee Code Annotated, Section 29-20-403, is further amended by adding the following new subsections:

(d) Any person employed by a governmental entity as an emergency medical technician or emergency medical technician paramedic shall be fully indemnified and held harmless by their employer for any and all damages and costs brought against them as a health care practitioner. Effective July 1, 2001, the liability limits on damages

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for medical malpractice cases against an emergency medical technician or emergency medical technician paramedic employed by a governmental entity shall be two hundred fifty thousand dollars (\$250,000) for bodily injury or death resulting from any one (1) person and six hundred thousand dollars (\$600,000) for bodily injury or death resulting from any one incident or occurrence. Effective July 1, 2002, the liability limits on damages for medical malpractice cases against an emergency medical technician or emergency medical technician paramedic employed by a governmental entity shall be three hundred thousand dollars (\$300,000) for bodily injury or death resulting from any one (1) person and six hundred fifty thousand dollars (\$650,000) for bodily injury or death resulting from any one incident or occurrence. Effective July 1, 2003, the liability limits on damages for medical malpractice cases against an emergency medical technician or emergency medical technician paramedic employed by a governmental entity shall be four hundred thousand dollars (\$400,000) for bodily injury or death resulting from any one (1) person and seven hundred fifty thousand dollars (\$750,000) for bodily injury or death resulting from any one incident or occurrence. Effective July 1, 2004, the liability limits on damages for medical malpractice cases against an emergency medical technician or emergency medical technician paramedic employed by a governmental entity shall be five hundred thousand dollars (\$500,000) for bodily injury or death resulting from any one (1) person or occurrence and one million dollars (\$1,000,000) for bodily injury or death resulting from any one incident or occurrence. The liability limits established by this subsection shall be the total extent to which either the employer or the emergency medical technician or emergency medical technician

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paramedic is liable for damages for bodily injury or death caused by the negligence involving the medical malpractice of such technician or paramedic. The liability limits established by this subsection shall expire on July 1, 2005.

(e) Notwithstanding the provisions of § 29-20-404 to the contrary, if a governmental entity purchases a policy or contract of liability insurance with limits in excess of the limits of liability set out in this section, such higher liability limits shall apply to any applicable judgment or award entered against the governmental entity by a court of competent jurisdiction regardless of whether the entity has or has not expressly waived the limits set forth in this section. Whether a governmental entity has purchased a policy or contract of liability insurance with limits in excess of the limits of liability set out in this section shall be subject to discovery in accordance with the Tennessee rules of civil procedure.

SECTION 4. Tennessee Code Annotated, Section 29-20-404, is amended by deleting the second and third sentences of subsection (a) and adding the following to the end of the first sentence:

, or the governmental entity has purchased a policy or contract of liability insurance with limits in excess of the limits set forth in this act.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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SECTION 6. This act shall take effect upon becoming law, the public welfare requiring
it.

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